

**ARIZONA DEPARTMENT OF HEALTH SERVICES
DIVISION OF PUBLIC HEALTH SERVICES
SMOKE-FREE ARIZONA PROGRAM**

**SUBSTANTIVE POLICY STATEMENT
#SP-088-PHS-EDC
(Revision of substantive policy statement # SP-001-PHP)**

Residential Pool Safety Requirements and Recommendations

This substantive policy is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedures Act. If you believe that this substantive policy does impose additional requirements or penalties on regulated parties, you may petition the agency under the Arizona Revised Statutes Section 41-1033 for a review of the statement.

The purpose of this revised substantive policy statement is to improve notification to the public of the legal requirements for pool ownership specified in A.R.S. § 36-1681 and the Arizona Department of Health Services' (the Department) recommendations for proper pool safety.

A.R.S. § 36-1681(A) requires that a swimming pool or other contained body of water be "protected by an enclosure."

According to A.R.S. § 36-1681(B)(1), a swimming pool or other contained body of water must be "entirely enclosed by at least a five foot wall, fence or other barrier." The five foot wall, fence, or other barrier:

1. Must not have openings through which a "spherical object four inches in diameter can pass" (A.R.S. § 36-1681(B)(2));
2. Must not have "openings, handholds or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence or barrier" (A.R.S. § 36-1681(B)(4)); and
3. Must "be at least twenty inches from the water's edge" (A.R.S. § 36-1681(B)(5)).

If, however, a residence or living area makes up part of the enclosure required by A.R.S. § 36-1681(B), there must be:

1. A wall, fence, or barrier located between the swimming pool or other contained body of water and the residence or living area that:
 - a. Has a height of at least four feet (A.R.S. § 36-1681(C)(1));
 - b. Has no openings "through which a spherical object four inches in diameter can pass" (A.R.S. § 36-1681(B)(2));
 - c. Has a gate that opens outward from the pool and is "self-closing and self-latching" (A.R.S. § 36-1681(B)(3));
 - d. Has no "openings, handholds, or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence or barrier" (A.R.S. § 36-1681(B)(4)); and
 - e. Is at a distance of "at least twenty inches from the water's edge" (A.R.S. § 36-1681(B)(5));

2. "A motorized safety pool cover" (A.R.S. § 36-1681(C)(2));
3. For each door or window in the residence or living area that has direct access to the pool:
 - a. A self-latching device that is located "not less than fifty-four inches above the floor" (A.R.S. § 36-1681(C)(3)); and
 - b. Either a "screwed in place wire mesh screen" covering a dwelling or guest room window or a keyed lock that prevents a dwelling or guest room window from opening more than four inches (A.R.S. § 36-1681(C)(3)); or
4. For an aboveground swimming pool, "non-climbable exterior sides which are a minimum height of four feet" and access ladders or steps that are removable and able to be secured when the pool is not in use (A.R.S. 36-1681(C)(4)).

Any gate in either the five-foot-tall wall, fence, or barrier enclosing a pool (A.R.S. § 36-1681(B)(1)) or the four-foot-tall wall, fence, or other barrier between a residence or other living area and a pool (A.R.S. § 36-1681(C)(1)) must:

1. "Open outward from the pool" (A.R.S. § 36-1681(B)(3)(b));
2. Be "self-closing and self-latching" (A.R.S. § 36-1681(B)(3)(a)); and
3. Have a latch:
 - a. Located "at least fifty-four inches above the underlying ground" (A.R.S. § 36-1681(B)(3)(a));
 - b. Located on the pool side of the gate with the latch's release mechanism located "at least five inches below the top of the gate and no opening greater than one-half inch within twenty-four inches of the release mechanism" (A.R.S. § 36-1681(B)(3)(a));
or
 - c. "Located at any height if secured by a padlock or similar device which requires a key, electric opener or integral combination" (A.R.S. § 36-1681(B)(3)(a)).

In addition to the requirements of A.R.S. § 36-1681, the Department recommends the following:

1. Never leave a child unattended in the pool or pool area;
2. Because flotation devices and swimming lessons are not substitutes for supervision, a child should always be watched when in or around the pool area;
3. CPR/CCR instructions and the 911 emergency number (or local emergency number) should be posted in the pool area;
4. A phone should be located in the pool area or easily accessible in case of an emergency;
5. All residential pool owners should attend water rescue and CPR/CCR classes;
6. Lifesaving equipment should be easily accessible and stored in the pool area;
7. All gate locks and latches should be checked regularly to insure they are working properly;
8. A gate should never be left propped open;
9. All items that could be used to climb a pool barrier should be removed from around the barrier; and
10. In an emergency:
 - a. Shout for help;
 - b. Pull the child from the water;

- c. Call 911 (or the local emergency number) for help; and
- d. After checking the child's airway and breathing, immediately begin CPR/CRR if necessary.

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